

DURIE TANGRI LLP  
DARALYN J. DURIE (*Pro Hac Vice*)  
ddurie@durietangri.com  
JOSEPH C. GRATZ (*Pro Hac Vice*)  
jgratz@durietangri.com  
DAVID MCGOWAN (*Pro Hac Vice*)  
dmcgowan@durietangri.com  
GENEVIEVE P. ROSLOFF (*Pro Hac Vice*)  
grosloff@durietangri.com  
217 Leidesdorff Street  
San Francisco, CA 94111  
Telephone: 415-362-6666  
Facsimile: 415-236-6300

Attorneys for Defendant  
Google Inc.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE AUTHORS GUILD, INC., Associational  
Plaintiff, BETTY MILES, JOSEPH  
GOULDEN, and JIM BOUTON, on behalf of  
themselves and all other similarly situated,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

Civil Action No. 05 CV 8136 (DC)  
**ECF Case**

**DECLARATION OF KURT GROETSCH SUPPORT OF DEFENDANT GOOGLE  
INC.'S MOTION FOR SUMMARY JUDGMENT**

I, Kurt Groetsch, hereby declare under penalty of perjury:

1. I am Technical Collections Specialist for Defendant Google Inc. in the above-captioned civil action. I submit this declaration in support of Defendant's Motion for Summary Judgment. I make this declaration based on personal knowledge of the facts and circumstances set forth herein.

2. I hold a Master's Degree in Library and Information Science from the University of Illinois at Urbana-Champaign. After receiving that degree in 2006, I worked as a metadata librarian at the University of Illinois at Urbana-Champaign until joining Google in 2007.

3. In my work at Google, I use my expertise in library cataloging and electronic library systems and standards to analyze library collections and consult with Google Books engineers regarding library records and library cataloging practices.

4. Library catalogs contain bibliographic information about books, as well as specific information about the location of particular copies of books held by libraries. That data generally includes the title, author, publisher, publication year, and information about the physical form of the book, such as its number of pages and its size.

5. A library catalog record generally also includes a "call number" which identifies a book's location in the library's stacks. The "call number" may be of one of a number of types; the Dewey Decimal system is one well-known system of call numbers, as is the classification system established by the Library of Congress. A given copy of a book in a given library has only a single call number, even if it relates to more than one topic.

6. In addition, a library catalog record generally includes one or more subject-area categories to which a book relates. For example, the record for the first edition of *Ball Four* in the Library of Congress catalog lists it under two subject headings: "Bouton, Jim" and

“Baseball.” See <http://lccn.loc.gov/78120125>. Some books are listed under more subject headings: for example, Joseph Goulden’s book *Jerry Wurf: Labor’s Last Angry Man* is listed under three subject headings: “Wurf, Jerry, 1919-,” “AFSCME,” and “Labor unions—United States—Officials and employees—Biography.” See <http://lccn.loc.gov/81070110>.

7. The Library of Congress *Subject Headings Manual* recommends that cataloging librarians generally assign no more than six subject headings to a particular work, and states that Library of Congress practice is to assign no more than ten subject headings under any circumstances. See [http://www.loc.gov/cds/PDFdownloads/shm/SHM\\_2010-02.pdf](http://www.loc.gov/cds/PDFdownloads/shm/SHM_2010-02.pdf) at 12.

8. A library catalog record does not include the contents of a book’s index (though it frequently does indicate whether the book has an index). Nor does a library catalog record include the text of a book.

9. Some library catalog records include “Titles of separate works or parts of an item or the table of contents.” <http://www.loc.gov/marc/bibliographic/bd505.html>. These records include chapter titles, but do not include the index or full contents of the book. I have reviewed Google’s database of library “MARC” records, and found that only 4.52% of those records contain this type of information.

10. Because a library catalog does not include the text of a book, library catalogs cannot be used to find books by searching for words or phrases that appear in the text.

11. For this reason, for example, a search of the Library of Congress catalog for “Steve Hovley” returns no results. See [http://catalog.loc.gov/cgi-bin/Pwebrecon.cgi?DB=local&Search\\_Arg=steve+hovley&Search\\_Code=GKEY%5E\\*&CNT=100&hist=1&type=quick](http://catalog.loc.gov/cgi-bin/Pwebrecon.cgi?DB=local&Search_Arg=steve+hovley&Search_Code=GKEY%5E*&CNT=100&hist=1&type=quick). That search does not locate, for example, *Ball Four* because Steve Hovley is not among the subject headings assigned to that book and listed in the online catalog.

12. A search of Google Books for “Steve Hovley,” on the other hand, returns dozens of books which discuss that major leaguer, including *Ball Four* and a book about the 1969 Seattle Pilots (for whom Hovley played). *See*

<https://www.google.com/search?q=steve+hovley&btnG=Search+Books&tbm=bks&tbo=1> .

13. Similarly, a search of the Library of Congress catalog for “Minoru Yasui” returns 23 books, only one of which has information about the Oregon lawyer (born in 1915) who challenged the constitutionality of curfews targeted at minority groups, and most of which are by or about the linguist of the same name born in 1921. *See* [http://catalog.loc.gov/cgi-](http://catalog.loc.gov/cgi-bin/Pwebrecon.cgi?DB=local&Search_Arg=minoru+yasui&Search_Code=GKEY%5E*&CNT=100&hist=1&type=quick)

[bin/Pwebrecon.cgi?DB=local&Search\\_Arg=minoru+yasui&Search\\_Code=GKEY%5E\\*&CNT=100&hist=1&type=quick](http://catalog.loc.gov/cgi-bin/Pwebrecon.cgi?DB=local&Search_Arg=minoru+yasui&Search_Code=GKEY%5E*&CNT=100&hist=1&type=quick). The one book containing information about Mr. Yasui that is found

by this search includes chapter titles in its catalog record, and lists among those chapters,

“Gordon Hirabayashi, Fred Korematsu, and Minoru Yasui, Internment resistance fighters.”

[http://catalog.loc.gov/cgi-](http://catalog.loc.gov/cgi-bin/Pwebrecon.cgi?v3=17&ti=1,17&SEQ=20120717170251&Search_Arg=minoru%20yasui&Search_Code=GKEY%5E%2A&CNT=100&type=quick&PID=Q5GJ1fG1S3aTAKBVnuuY3iYPWxD&SID=1)

[bin/Pwebrecon.cgi?v3=17&ti=1,17&SEQ=20120717170251&Search\\_Arg=minoru%20yasui&Search\\_Code=GKEY%5E%2A&CNT=100&type=quick&PID=Q5GJ1fG1S3aTAKBVnuuY3iYPWxD&SID=1](http://catalog.loc.gov/cgi-bin/Pwebrecon.cgi?v3=17&ti=1,17&SEQ=20120717170251&Search_Arg=minoru%20yasui&Search_Code=GKEY%5E%2A&CNT=100&type=quick&PID=Q5GJ1fG1S3aTAKBVnuuY3iYPWxD&SID=1)

14. By contrast, a search of Google Books returns dozens of books available in bookstores and libraries with information about Mr. Yasui, from a reproduction of the Supreme Court filings in *Yasui v. United States* to an oral history of Japanese settlers in Oregon which contains a 28-page chapter by Yasui recounting his experience. *See*

<https://www.google.com/search?q=minoru+yasui&btnG=Search+Books&tbm=bks&tbo=1>.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 25<sup>th</sup> day of July, 2012 at Mountain View, California.

  
Kurt Groetsch